

Meeting Date: 08-19-08

Santa Clara



AGENDA REPORT

City of Santa Clara, California

Agenda Item #

9C.3



DATE: July 16, 2008
TO: City Manager for Council Action
FROM: Director of Planning & Inspection
SUBJECT: Approval of Historic Property Preservation Agreement (Mills Act Contract) for 1655 Santa Clara Street

EXECUTIVE SUMMARY:

The State of California enacted Legislation that allows owners of approved historically designated properties to enter into "Mills Act" contracts with the legislative bodies of local agency jurisdictions, pursuant to Section 50280-90 of the California Government Code. These properties then qualify for property tax incentives contained in the California Revenue and Taxation Code. City Council adopted the Mills Act Program by resolution on September 14, 1993, and submitted to a limit of five (5) contracts per year. In 2004, the City Council approved increasing the number of allowable contracts to ten (10) per year. This would be the tenth (10th) Mills Act Contract for calendar year 2008.

The property is not currently listed on the City's Architecturally/Historically Significant Properties list; however, a survey has been conducted on the property, which found the property eligible for listing on the City of Santa Clara Architecturally or Historically Significant Properties List. Attached to the Historic Property Preservation Agreement is the historic resources inventory (State DPR form) evaluating the significance of the structure, along with additional attachments that include the proposed maintenance and rehabilitation schedule.

The Historical and Landmarks Commission reviewed and supported the request for historic listing and for a Mills Act at their meeting on June 5, 2008. The staff report and minutes from this meeting are attached. A copy of the Agreement, with exhibits, is available in the Council offices.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The purpose of a Mills Act Contract is to offer owner(s) of historically significant properties an economic incentive to maintain and preserve the physical integrity of their properties, which thereby also increases the aesthetic and economic health of the surrounding neighborhood and the City.

ECONOMIC/FISCAL IMPACT:

The fiscal impact would be a negligible decrease of property tax revenue to the City.

RECOMMENDATION:

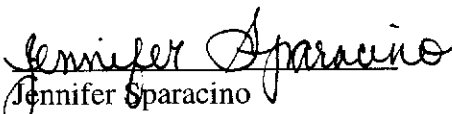
That the Council approve adding the property located at 1655 Santa Clara Street to the City of Santa Clara Architecturally or Historically Significant Properties and also approve and authorize the City Manager to

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execute a Historic Property Preservation Agreement (Mills Act Contract) for 1655 Santa Clara Street, with property owners Brian Johns and Erin Roll.

APPROVED:


Kevin L. Riley, AICP
Director of Planning and Inspection


Jennifer Sparacino
City Manager

Documents Related to this Report:

- 1) Excerpt of Minutes from June 5, 2008
- 2) HLC Staff Report of June 5, 2008
- 3) Agreement

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It was moved by Commissioner Petersen, seconded by Commissioner Richards, and unanimously carried (Commissioner Patton absent) to recommend City Council approval of a Mills Act Contract for the property located at 1212 Pierce Street.

B. Request for Mills Act Contract – 1077 Harrison Street (PLN2008-07035).

Commissioner Petersen abstained from the hearing and action on this item.

Representing the project, owner Sarah Doty was present for the discussion. Mr. Schwilk then reviewed the DPR report and some of the improvements planned by the new property owner.

Ms. Doty reviewed the proposed 10-year preservation plan, clarified that she is proposing to restore (not replace) the rotted windows, and also clarified that chimney was in poor condition and has been removed. She noted that the brick from the original portion of this chimney would be reused on site as pavers to create a rear patio area.

Motion:

It was then moved by Commissioner Richards, seconded by Commissioner Wilson and unanimously carried (Commissioner Patton absent) to recommend City Council approval of a Mills Act Contract for the property located at 1077 Harrison Street.

Charles Petersen then addressed the Commission as a nearby resident and stated his hope that the City will someday designate this entire block of Harrison Street a Historic Block.

C. Request for Historic Designation and Mills Act Contract – 1655 Santa Clara Street (PLN2008-07056).

Representing the project, Lorie Garcia and owners Erin Roll and Brian Johns were present for the discussion. Mr. Schwilk reviewed the request for historic designation and a Mills Act Contract. He noted the applicant had contracted with an outside consultant to perform the necessary DPR (historic report) per State guidelines. He noted the research found the property retains sufficient integrity to qualify as a historic property and appears to be, based on compliance with the Local Significant Criteria, eligible for listing on the City of Santa Clara Architecturally or Historically significant Properties List. He then reviewed some of the improvements planned by the new property owners.

Motions:

It was moved by Commissioner Richards, seconded by Commissioner Wilson, and unanimously carried (Commissioner Patton absent) to recommend City Council add the property to the City's Historically/Architecturally Significant Properties List for the property located at 1655 Santa Clara Street.

It was moved by Commissioner Richards, seconded by Commissioner Wilson, and unanimously carried (Commissioner Patton absent) to recommend City Council approval of a Mills Act Contract for the property located at 1655 Santa Clara Street, subject to adding a requirement that the nonconforming accessory unit be brought up to date with respect to current building, electrical and plumbing safety codes as

part of the 10-year preservation plan, if feasible, and if complying with these safety codes will not conflict with the historic goals of the City.

IX. Old Business, Referrals and Continued Items

The Commission revisited its roll call, and noted three consecutive unexcused absences of Commissioner Patton. The Commission requested that staff report back on the Council's policy related to this issue.

X. Commissioner/Committee Reports

A. Santa Clara Arts and Historic Consortium (McKee)

[Fourth Monday of each month at 7:15 p.m. - Headen-Inman House]

Chairperson McKee noted there has not been a meeting to report on.

B. Historic Preservation Society of Santa Clara (Marinshaw)

[Second Friday of each month at 10:00 a.m. - Harris Lass Preserve]

Commissioner Marinshaw noted the Society would be hosting the Annual Tea and Fashion Show on Sunday, June 8th.

C. Old Quad Residents Association (Richards/McKee alternate)

It was noted there was no news to report.

D. Neighborhood University Relations (Petersen)

It was noted there was no news to report.

E. Architectural Committee (Patton)

Commissioner Marinshaw noted she attended the May 21st Architectural Committee meeting.

F. Agnews Historic Cemetery Museum Committee (Wilson and Patton)

Commissioner Wilson noted there was no news to report.

G. BART Committee (Marinshaw)

Commissioner Marinshaw noted that she did not attend the May stakeholder meeting for the Station Area Plan, but did attend a recent City meeting, at which the Station Area Plan and proposed future BART maintenance building was discussed.

H. General Plan Steering Committee (Richards/Petersen)

Commissioner Richards noted he would be attending the upcoming meeting, and encouraged all residents to attend.

Ms. Painter noted that General Plan community workshops are planned for late June, and that notice would be provided to the Commissioners. She also noted that additional discussion could be agendaized for the August 7th meeting.

Ms. Painter handed out copies of the General Plan update brochure that was mailed to all residents in the City. She then reviewed upcoming stakeholder meeting and

**HISTORICAL AND LANDMARKS COMMISSION
MEMORANDUM**

TO: Historical and Landmarks Commission
FROM: Jeff Schwilk, Associate Planner
SUBJECT: *Request for Historic Designation and a Mills Act Contract for
1655 Santa Clara Street*
DATE: May 28, 2008

Background:

Property owners Brian Johns and Erin Roll are requesting that their Colonial Revival style residence, located at 1655 Santa Clara Street, be designated as Historically/Architecturally Significant. The owners are also requesting a Mills Act Contract for their property. The property is located on the north side of Santa Clara Street, between Lincoln Street and Winchester Boulevard. The structure is not currently listed on the City of Santa Clara Architecturally or Historically Significant Properties List. A property evaluation report is required as part of the Mills Act application. The applicant contracted with an outside consultant to perform the necessary DPR (historic report) as per State guidelines. The historic research found the property to be constructed circa 1906, and the evaluator has found 1655 Santa Clara Street to retain sufficient integrity to qualify as a historic property, and appears to be, based on compliance with the Local Significance Criteria, eligible for listing on the City of Santa Clara Architecturally or Historically Significant Properties List. Attached is a DPR form evaluating the significance of the structure. Additional attachments contain the draft contract, proposed maintenance and rehabilitation schedule, and the applicant's statement of justification.

A requirement of the Mills Act is that the building must be a qualified structure listed on either a local, State or National register. It is requested that the Historical and Landmarks Commission make a recommendation to City Council as to whether or not this property should be added to the City's list of Historic Properties. It is also requested that the Commission make a recommendation regarding whether or not this property should be approved for a Mills Act Contract, which will be referred to the City Council for final action.

The historic survey found the architectural integrity of the structure has been slightly diminished by the replacement of some original windows at the rear of the side elevations and back wall, which occurred as a result of the slight cantilevered bay enlargement at the driveway side of the structure, and the replacement of wood siding below the water table on the front elevation with brick. However, the owners are planning to replace the brick façade and steps with siding to match the rest of the house as part of the proposed preservation and restoration plan. With the exception of the side bay enlargement, the original foot print has not been altered, and the majority of the historic materials of the original architecture and the structure's most visual and character-defining features have been retained. The survey concluded that the subject property retains enough of its historic character and appearance to be recognizable as a historic property and to convey the reason for its significance.

*HLC STAFF REPORT OF
JUNE 5, 2008*

Staff Recommendation:

Recommend that the Commission support the owners' request to have the property at 1655 Santa Clara Street added to the City's Historically/Architecturally Significant Properties list, and also support a Mills Act Contract, and so recommend to the City Council.

Attachments

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CITY OF SANTA CLARA

AGENDA MATERIAL ROUTE SHEET

Aug. 19, 2008

Council Date: ~~JUNE 17, 2008~~

SUBJECT: MILLS ACT - 1655 SANTA CLARA STREET

CERTIFICATION

The proposed MILLS ACT APPLICATION
Regarding 1655 SANTA CLARA STREET
has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City
City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)
City Code § _____

1. As to City Functions, by

Kevin L. Riley
Department Head

2. As to Legality, by

Jim M...
City Attorney's Office / CAO Assignment No 08.0909

3. As to Environmental
Impact Requirements, by

Kevin L. Riley
Director of Planning and Inspection

4. As to Substance, by

J. Sparacino
City Manager

Revision Date June 7, 2005